

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>DAKOTA G. FISCHER,</b>	:	
<b>Plaintiff,</b>	:	<b>Case No. 2:19-cv-1342</b>
<b>vs.</b>	:	<b>Chief Judge Edmund A. Sargus, Jr.</b>
<b>REMINGTON ARMS COMPANY, LLC</b>	:	<b>Chief Magistrate Judge Elizabeth P. Deavers</b>
<b>et al.,</b>	:	
<b>Defendants.</b>	:	

**MOTION TO PERMIT**  
**TRANSFER OF PROPERTY AND EVIDENCE**

Pursuant to Fed.R.Civ.Proc. 7(b)(1), counsel for Plaintiff move this Court to permit the transfer of property and evidence, currently in the possession of Plaintiff's counsel, for purposes of retention and safekeeping during the remaining pendency of any aspect of this case or related matters.

As this Court is aware, Plaintiff and Defendant Hornady Manufacturing Co. ("Hornady") entered into a Stipulation of Dismissal of Hornady on February 26, 2020 (ECF No. 32). Subsequently, Plaintiff and Hornady entered into a joint stipulation resolving Hornady's potential right to seek sanctions against Plaintiff, which this Court approved in its Order filed on June 17, 2020. (ECF No. 53).

In addition, Plaintiff and Defendant Remington Arms Company, L.L.C. ("Remington") also entered into a Stipulation of Dismissal of Remington on March 11, 2020 (ECF No. 34). Pursuant to its terms, Remington stipulated it would not seek potential sanctions against Plaintiff. *Id.*

In light of the foregoing, Plaintiff no longer has any claims pending before the Court in this matter; and there are no claims pending against Plaintiff.

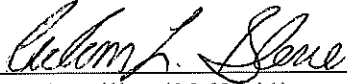
Hornady, however, is currently seeking sanctions against witnesses George Shope and Joshua Gee for allegedly making false representations, engaging in the spoliation and fabrication of evidence, and perpetrating fraud. The pertinent allegations are outlined in Hornady's Motion for Sanctions Against Non-Party Witnesses George Shope and Joshua Gee filed on May 7, 2020 (ECF No. 40).

Relevant to the pending claims are the property and physical evidence which currently are in Plaintiff's counsel's possession. During the pendency of this matter, property and physical evidence related to the pending claims have been stored in different manners. Prior to July 8, 2019, all physical evidence described in *Exhibit 1* was stored and preserved at witness George Shope's house. George Shope is the owner of each of the items of property in question. On July 8, 2019, all items described in *Exhibit 1*, with the exception of items marked as deposition exhibit numbers 25, 38, and 39, were transferred to S.E.A. Ltd. for storage and preservation. These items were then preserved at S.E.A., Ltd. until February 24, 2019, when they were then transferred from S.E.A. Ltd. to Plaintiff's counsel's possession. *See Exhibit 2*. Items marked as deposition exhibit numbers 25, 38, and 39 were later brought to Plaintiff's counsel on February 26, 2020. Since then, all physical evidence described in *Exhibit 1* has been stored and preserved at Plaintiff's counsel's firm. This is consistent with the terms of the Stipulation of Dismissal of Remington, which outlines an agreement between the parties that Plaintiff and Plaintiff's counsel would preserve evidence in their possession until a written agreement or an order of this Court revised or terminated this preservation agreement.

In light of the conclusion of Plaintiff's involvement in the matters which remain pending before this Court, Plaintiff's counsel wish to divest themselves of the property and evidence currently in their possession. The evidence has been previously photographically preserved and/or described and indexed. Hornady, however, wishes to preserve the evidence described in Exhibit 1. Therefore, Plaintiff's counsel respectfully request an Order from this Court permitting the transfer the evidence identified in Exhibit 1 to either Hornady or, in the alternative, to the possession of some other suitable party of the Court's determination for purposes of retention and safekeeping during the pendency of any remaining motions before the Court.

Respectfully submitted,

**BRIAN G. MILLER CO., L.P.A.**

By:   
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Trial Attorneys for Plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that the original of the foregoing was served upon Steven E. Danekas, [sdanekas@smbtrials.com](mailto:sdanekas@smbtrials.com) and Robert V. Kish, [rkish@reminger.com](mailto:rkish@reminger.com), counsel for Defendant Remington Arms Company; and Kevin J. Schneider, [kschneider@clnewilliams.com](mailto:kschneider@clnewilliams.com) and James E. Arnold and Damian M. Clifford, [jarnold@arnlaw.com](mailto:jarnold@arnlaw.com) and [dclifford@arnlaw.com](mailto:dclifford@arnlaw.com), counsel for Defendant Hornady Manufacturing Co., by the Court's ECF system this 28<sup>th</sup> day of January, 2021.

I further certify that the original of the foregoing was served by U.S. Mail upon George Shope, 11870 State Route 139, Jackson, Ohio 45640, and Joshua Gee, 7141 Mount Tabor Road, Chillicothe, Ohio 45601 this 28<sup>th</sup> day of January, 2021.

A handwritten signature in cursive script, appearing to read "Adam L. Slone", written over a horizontal line.

Adam L. Slone (0093440)  
Trial Attorney for Plaintiff

cc: Dakota G. Fischer